

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVIDSON HENAO, MIGUEL MERO,  
OMOBOWALE AVOSEH, RASHEEM MARTIN, and  
SHAWN WILLIAMS, for themselves and all others  
similarly situated,

Plaintiffs,

-against-

PARTS AUTHORITY, LLC, PARTS AUTHORITY,  
INC., YARON ROSENTHAL, NORTHEAST  
LOGISTICS, INC. d/b/a “Diligent Delivery Systems,”  
ARIZONA LOGISTICS, INC. d/b/a “Diligent Delivery  
Systems,” BBB LOGISTICS, INC. d/b/a “Diligent  
Delivery Systems,” MICHIGAN LOGISTICS, INC.  
d/b/a “Diligent Delivery Systems,” LARRY BROWNE,  
DOES 1-20 d/b/a “Diligent Delivery Systems,” and  
DOES 21-40,

Defendants.

19-cv-10720 (LGS) (BCM)

**DECLARATION OF CAMILLE  
HARVEY IN SUPPORT OF  
DEFENDANTS’ MOTION TO  
DISMISS THE SECOND AMENDED  
COMPLAINT**

I, Camille Harvey, hereby declare and state:

1. I am employed as Corporate Manager/Independent Contractor Relations for Norlyn Enterprises, Inc. d/b/a Diligent Delivery Systems (“Diligent”). I have personal knowledge of, or have reviewed records sufficient to determine, the facts below and can testify competently thereto.
2. My job duties include maintaining the contract files and payment files for the independent owner operators that contract with Diligent and/or its related entities, including Northeast Logistics, Inc. (“NEL”), Arizona Logistics, Inc. (“ALI”), GDC Holdings, Inc. (“GDC”) and BBB Logistics, Inc. (“BBB”). Michigan Logistics, Inc. (“MLI”) is a related entity that generally provides administrative and/or financial services to NEL and others.
3. It has long been the policy and practice of Diligent, NEL, ALI, GDC and BBB (collectively, “Diligent Defendants”) to enter into written owner contracts with each owner operator to which any of them refer delivery engagements. The Diligent Defendants classify these owner

operators as independent contractors and pay them fees for their services, which are reported to the federal government on an IRS Form 1099 when those fees exceed \$600 annually. For the last six years at least, every one of those owner operator agreements has had a clause generally requiring all disputes to be submitted to binding arbitration or corresponding alternative dispute resolution on an individual basis. Samples of such agreements are attached as Exhibits A through D.

4. Parts Authority is a client for whom NEL, ALI, GDC or BBB periodically refer delivery engagement opportunities to owner operators in the applicable geographic area with which it has an owner operator agreement, as referenced above. MLI does not contract with or refer delivery engagement opportunities to any owner operators.

5. In New York State, NEL is the only entity related to Diligent that contracts with these owner operators and refers them delivery engagement opportunities. NEL does not conduct business with or refer delivery engagement opportunities to owner operators in Maryland or the District of Columbia.

6. According to my review of NEL's records, it has, since January 1, 2014, compensated a total of 1,345 owner operators (both registered companies and sole proprietors) for completing delivery engagements associated with Parts Authority in New York State.

7. In Maryland and the District of Columbia, GDC is the entity that generally contracts with these owner operators and refers them delivery engagement opportunities with Parts Authority. GDC does not conduct business with or refer delivery engagement opportunities to owner operators in New York State.

8. According to my review of GDC's records, it has, since January 1, 2017, compensated a total of 14 owner operators (both registered companies and sole proprietors) for

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completing delivery engagements associated with Parts Authority in Maryland and/or the District of Columbia.

9. ALI and BBB do not conduct, and have not over at least the last six years have not conducted, business in New York, Maryland or the District of Columbia, for Parts Authority or otherwise.

10. I have searched the company records and found no record of any of the plaintiffs in this action having performed services through, or being paid compensation by, any Diligent-related entity, including NEL, MLI, BBB, GDC and ALI.

11. I understand that Shawn Williams has produced an IRS 1099 form showing he received income from DAO Logistics, Inc. DAO Logistics, Inc. is one of the 14 owner operators to which Diligent has referred delivery engagements in Maryland since January 1, 2017.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: May 12, 2020  
Houston, Texas

  
Camille Harvey